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EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 05/09/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/581,046

Applicant(s)

BHAVSAR, UMESH

Examiner

Bunjob Jaroenchonwanit

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 08 June 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been reviewed. Claims 1-8 are presented for examination, the objections and rejections cited are as stated below.

Specification

2. A substitute specification including the claims is required pursuant to 37 CFR 1.125(a) because the number and the nature of the amendments render it difficult to consider the application or to arrange the papers for printing or copying.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

Priority

3. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Germany on 12/15/1998. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Claim Rejections - 35 USC § 102

Art Unit: 2141

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 2, 4-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Low (US. 6,282,281).

6. As to claims 1, 5 and 8, Low discloses an arrangement for connecting a switched connection network to the Internet, comprising: *a switching node; and an operator console which is connected to said switching node via an interface, the Internet being connected to said switching node via said operator console and said interface*, (Low teaching includes an SSP, i.e., switching node, connected to Internet via an SCP, since connecting electronic and computing devices required some form of interfacing elements, thereby the interfaces are inherent in both the SSP and the SCP (Fig. 6, 13, 15; Col. 14, lines 20-50); further, the SCP is a Service Control Platform, which capable of configuring and reconfiguring communication in the network, which in light of specification, is a function of an NCP of operator console as claimed therein).

Art Unit: 2141

7. As to claims 2 and 4, Low discloses *operator console has operator functions, said operator functions being designed so that they can be activated via a connection to the Internet*, (the SCP has a capability to start service, resource request from clients over the Internet, Col. 14, line 60-Col. 15, line 10).

8. As to claim 6, Low discloses an *application which automatically executes an operator function* (the SCP comprises a service logic program that can initiate service with out operator intervention, i.e., automatically executes operator function, Col. 14, line 60-Col. 15, line 3).

9. As to claim 7, Low discloses *an application which acts as proxy agent between said switched connection network and the Internet* (the SCP comprises resource access application, which acts as a n agent allowing resource to be communicated between PSTN and Internet, Fig. 6, Col. 15, lines 74-55; Col. 23, lines 36-58).

10. As to claim 8, in addition to the discussion in claim 1, Low further discloses *accessing an internet related application via applicant program interface to access a resource of a switching node*, (Application Program Interface by definition is a small software routine or software module that interface with operating system to perform a specific function as designated, Low discloses the system uses UNIX operating system, and the SCP comprises a small software routine for accessing resource over the Internet, e.g., resource access application (Fig. 6).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2141

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Low as applied to claim 1 above.

13. As to claim 3, Low discloses the invention substantially as claimed, including the arrangement as described in claim 1 and using UNIX as operating system in the system (Col. 7, lines 60-67).

Low does not explicit discloses utilizing Microsoft Windows NT TM as an operating system (OS). Since the UNIX and window NTTM were well known and conventional. Hence, substituting UNIX OS with Window NTTM OS would have been obvious to one of ordinary skill in the art that was a matter of design choice, which depended on the applicability and compatibility requirement that one might choose in order to minimizing implementation time and cost.

Art Unit: 2141

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673.

The examiner can normally be reached on 8:00-17:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

A handwritten signature in black ink, consisting of a stylized 'B' followed by a series of loops and a final vertical stroke.

Bunjob Jaroenchonwanit
Examiner
Art Unit 2141

/bj
May 1, 2003